

### **REMARKS**

Applicants respectfully request the Examiner to enter the above amendment. Claims 20-23, 25, 26, and 29-36 have been cancelled. Claims 37-59 have been added. No new matter is introduced in the amendment. Claims 37-59 are currently pending.

Note, the specification recites pouches for containing pizzas and formed of insulative lining "forms no part of this invention per se and are well known in the prior art." Page 4, lines 4-7. It is intended that the pouch per se, or the pouch in and of itself, is not intended to be the invention in its entirety, rather the pouch forms a part of the combined inventive features residing in the claims.

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### **Rejections Under 35 U.S.C. §103**

The Examiner rejected the previously pending claims under 35 §U.S.C. 103(a) as being unpatentable over Norvell (U.S. Patent 5,454,271) in view of Hyatt (U.S. Patent 5,750,962) and either Solomon et al. (U.S. Patent 4,816,646) or Schirico (U.S. Patent 4, 806,736). Applicants respectfully traverse this rejection, however, have cancelled claims 20-23, 25, 26, and 29-36, and added claims 37-59 to advance this application to allowance.

#### **I. Discussion of New Claims 37-45**

Independent claim 37 recites a method of delivering boxed pizza including providing a container having a pliable fabric container structure. The pliable fabric container structure includes a first interior volume and a second interior volume separated from the first interior volume by a cover, the cover being positionable in an open configuration and a closed configuration. The method includes providing an energized thermal assembly within the second interior volume. The thermal assembly includes an electrical coil component and a thermal insulating layer. The insulating layer is arranged such that radiated heat produced by energizing the electrical coil component is primarily directed from the second interior volume toward the first interior volume.

Applicants submit that claim 37 is patentable over each of the cited references as none of the references teach or suggest the combination of the recited features in claim 37.

A. The Norvell Reference

Norvell does not teach or suggest a pliable fabric container, rather Norvell teaches a container having an exterior shell designed and constructed from a more durable material to withstand abuse. Column 5, lines 53-55. Norvell teaches away from a pliable fabric container as recited in claim 37. Further Norvell does not teach or suggest thermal assembly having an electrical coil component. Rather, the heating device of Norvell is a sealed packet 80 of phase change material 82 that is activated by heating the packet 80 in a microwave.

B. The Hyatt Reference

Hyatt does not teach or suggest a thermal assembly having a thermal insulating layer arranged such that radiated heat is primarily directed from a second interior volume of a container toward a first interior volume of a container. Hyatt teaches a thermal retention device having a phase change material 20 and a resistive element 22. The resistive element 22 is sandwiched between two layers of foam material 34, 36. Hyatt only discloses upper and lower foam materials 34, 36 and does not teach an insulating layer arranged to direct radiated heat in a particular direction.

C. The Solomon Reference

Solomon does not teach or suggest a container having an interior, including a first interior volume and a second interior volume separated from the first interior volume by a cover. Rather Solomon teaches a receptacle 10 having a single cavity. An insert 30 (heating grid 34) is located within the receptacle cavity. Solomon does not teach or suggest a cover that separates a first interior volume from a second interior volume. Accordingly, Solomon does not teach or suggest providing a thermal assembly within a second interior volume, the thermal assembly being arranged to direct radiated heat from the second interior volume toward a first interior volume within which the food produce is placed.

D. The Schirico Reference

Schirico also does not teach or suggest a container having an interior, including a first interior volume and a second interior volume separated from the first interior volume by a cover. Rather Solomon teaches a container 10 having a single interior volume. A heating unit 26 is positioned with the interior. Pizza boxes 44, 46 are positioned directly above "the exposed surface of the heating element 32" of the heating unit 26. Column 4, lines 4-8. Schirico does not teach or suggest a cover that separates a first interior volume from a second interior volume. Accordingly, Schirico does not teach or suggest providing a thermal assembly within a second interior volume, the thermal assembly being arranged to direct radiated heat from the second interior volume toward a first interior volume within which the boxed pizza is placed.

Even if the Hyatt reference were combined with either the Solomon or Schirico reference, the combination does not teach or suggest a cover separating first and second interior volumes. Even if Norvell were used in a combination, the combination does not teach or suggest a cover that separates the first and second volumes, and the cover being positionable in an open configuration for receipt of a thermal assembly, and a closed configuration that retains the thermal assembly (the cover being in addition to a flap that provides access to the interior). The combinations also do not disclose a thermal assembly positioned in a second volume and arranged to direct radiated heat from a second volume to a first volume.

Applicants therefore respectfully submit that claim 37, and dependent claims 38-45 are patentable over the cited art.

II. Discussion of New Claims 46-54 and 55-59

Independent claims 46 and 55 recites similar limitations as those recited in claim 37. For similar reasons as discussed above, Applicants respectfully submit that none of the cited art teaches or suggests the features recited in claims 46 and 55. Applicants therefore respectfully

submit that independent claims 46 and 55, and dependent claims 47-54 and 56-59 are patentable over the cited art.

### SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 37-59) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicant's representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicant reserves the right to raise these arguments in the future.

Respectfully-submitted,

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Date:

May 15, 2003



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